

STATE OF CALIFORNIA

Energy Resources Conservation and Development Commission

In the Matter of:

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Docket No. 01-AFC-04

Application for Certification for the East Altamont
Energy Center

01-AFC-04
CALIFORNIA DEPT. OF WATER

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**APPLICANT'S MOTION FOR ADDITIONAL TIME TO COMMENT ON ERRATA TO
THE REVISED PRESIDING MEMBER'S PROPOSED DECISION**

June 19, 2003

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STATE OF CALIFORNIA

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**APPLICANT'S MOTION FOR ADDITIONAL TIME TO COMMENT ON ERRATA TO
THE REVISED PRESIDING MEMBER'S PROPOSED DECISION**

On June 3, 2003, the Committee that is designated to conduct proceedings in the above-captioned matter held a Committee Conference on the Revised Presiding Member's Proposed Decision ("RPMPD"). On June 6, 2003, the Committee removed consideration of the RPMPD from the Energy Commission's Business Meeting previously scheduled for June 11, 2003 in order for the Committee to consider late comments. After reviewing the late-filed comments and the parties' responses thereto, the Committee initially determined that the comments did not substantively change the Committee's findings and conclusions in the RPMPD. On June 13, the Committee distributed a list of errata proposed for incorporation into the RPMPD (the "Errata"). The Commission has scheduled a public hearing (Cal. Code of Regs., tit. 20, § 1754) on the RPMPD at its regularly scheduled Business Meeting on Wednesday, June 25, 2003.

The Applicant has reviewed the Errata and is concerned that the Errata has substantially changed one, possibly two, of the conditions in the RPMPD. Specifically, the Applicant has very serious reservations regarding newly proposed language in Conditions AQ-SC5 and, possibly, Soils&Water-5. Given the potentially serious adverse effect on the project, the Applicant must avail itself of the opportunity to file with the Committee detailed written comments on these issues and to respond to written comments which may be filed by other parties, before this matter is argued orally before the full Commission. Of course, the Applicant acknowledges that other parties to this proceeding should have a similar opportunity to provide comments and review the comments of other parties.

While it would be entirely consistent with the Commission's regulations and within the Applicant's rights to propose detailed, substantive revisions orally at the Commission's Business Meeting scheduled for June 25, 2003, the Applicant believes it prudent to afford all parties the right to comment on the Errata and give the Commissioners additional time to further contemplate the comments of all parties.

The Applicant respectfully requests that the Committee provide the Applicant and all interested parties a minimum fifteen day period in which to comment on the changes proposed in the Errata to the RPMPD, consistent with the time frame set forth in Section 1753 of the Commission's regulations. The comments of all parties (including the Mountain House CSD, if it elects to comment) would be due on Monday, June 30, 2003. Optional reply comments would be due ten days later on Thursday, July 10, 2003.

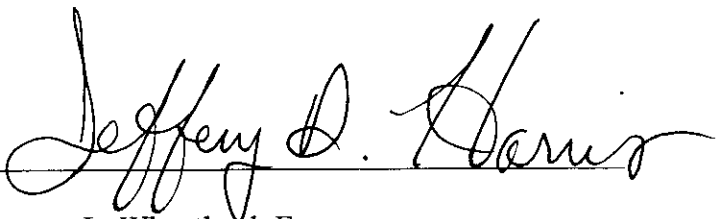
After reviewing further comments and the optional reply comments from the parties, the Committee may wish to either schedule a further workshop or consider the matter at the July 23, 2003 Business Meeting (or as reasonably soon thereafter as possible at the next regularly scheduled or a special Business Meeting).

The Commission is, of course, fully within its rights to consider this matter at the June 25, 2003 meeting, and the Applicant is within its rights to provide detailed oral comment on the Errata. However, given the Applicant's serious concerns and its need to provide substantive comments on the Errata, Applicant respectfully suggests that the schedule set forth above is reasonable.

Respectfully submitted,

Dated: June 19, 2003

ELLISON, SCHNEIDER & HARRIS L.L.P.

By 

Greggory L. Wheatland, Esq.

Jeffery D. Harris, Esq.

Attorneys for East Altamont Energy Center LLC